



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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ANDREA SHERIDAN ORDIN
County Counsel

April 8, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: Diana V. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. LC 086027

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:dad

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Diana v. County of Los Angeles, et al.

Los Angeles Superior Court Case No. LC 086027, in the amount of \$275,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff Department's budget.

This lawsuit concerns allegations of sexual assault by a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Diana V. v. County of Los Angeles
CASE NUMBER	LC 086027
COURT	Los Angeles County Superior Court, Van Nuys Branch
DATE FILED	July 29, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 275,000
ATTORNEY FOR PLAINTIFF	Brian T. Dunn of the Cochran Firm
COUNTY COUNSEL ATTORNEY	Gordon W. Trask
NATURE OF CASE	<p>Diana V. alleges that she was sexually assaulted by a Sheriff's Deputy in the Van Nuys court lock-up.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$275,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 35,640
PAID COSTS, TO DATE	\$ 4,657

Case Name: Diana V. v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Monday, July 28, 2008; between 10:20 a.m. and 12:15 p.m.
Briefly provide a description of the incident/event:	<p><u>Diana V. v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2010-007CR)</p> <p>On June 29, 2009, the plaintiff filed a lawsuit against the County of Los Angeles and an individual member of the Los Angeles County Sheriff's Department. In her lawsuit, the plaintiff alleged she was the victim of criminal misconduct committed by a member of the Los Angeles County Sheriff's Department in the course and scope of his employment.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

A public entity is responsible for the negligent and intentional acts of its employees when the acts are committed in the course and scope of their employment.

On July 28, 2008, the plaintiff was an inmate in the custody of the Los Angeles County Sheriff's Department. While detained in a holding cell at the Los Angeles Superior Court, Van Nuys Courthouse West facility, the plaintiff alleges she was sexually assaulted by an on duty member of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.


Appropriate administrative action was taken.

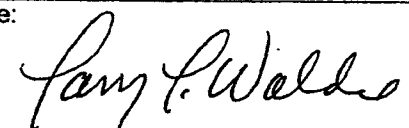
County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Acting Captain, Risk Management Bureau	
Signature: 	Date: 3/17/10

Name: (Department Head)	
Larry L. Waldie, Undersheriff	
Signature: 	Date: 03-23-10

Chief Executive Office Risk Management Branch

Name:	
Signature:	Date:

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